

NOTICE OF INDEPENDENT REVIEW DECISION

February 24, 2003

RE: MDR Tracking #: M2-02-0996-01
IRO Certificate #: IRO 4326

The ____ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ____ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

____ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a ____ physician reviewer who is board certified in anesthesiology which is the same specialty as the treating physician. The ____ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to ____ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This 47 year old male sustained a work-related injury on ____ when he was lifting a container of books that weighed 50-60 pounds and experienced sudden sharp pain over the lumbar area. The patient underwent an MRI on 05/25/00 and a myelogram on 02/09/01. The patient has been diagnosed with lumbar radiculopathy and lumbar discogenic pain syndrome. He has been treated with lumbar epidural steroid injections (ESI). The treating physician has recommended that the patient undergo laser assisted spinal endoscopy (LASE).

Requested Service(s)

LASE

Decision

It is determined that the LASE is medically necessary to treat this patient's condition.

Rationale/Basis for Decision

This patient has low back pain with radiation to the left leg. He has responded temporarily to ESI. He has been tried on multiple medications, physical therapy, non-steroidal anti-inflammatory drugs (NSAI's) and time. The MRI and CT/myelogram reveal a contained disc at level L4-5. The electromyography and nerve conduction velocity studies reveal left L5 nerve irritation. All objective and subjective symptoms and signs indicate the patient is a good candidate for a decompression procedure.

LASE is a promising minimally invasive treatment for patient with radicular pain for discogenic origin and is used to treat patients with low back pain with radiation into one leg, and patients who have tried NSAI agents and ESI. It is also used for patients with bulging disc (contained) and not separate from the primary disc. Therefore, the LASE is medically necessary.

This decision by the IRO is deemed to be a TWCC decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** (10) days of your receipt of this decision (20 Tex. Admin. Code 142.5 (c)).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision (28 Tex. Admin Code 148.3).

This Decision is deemed received by you 5 (five) days after it was mailed (28 Tex. Admin Code 102.4(h) or 102.5(d)). A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Workers' Compensation Commission, P.O. Box 40669, Austin, Texas, 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute (Commission Rule 133.308 (t)(2)).

Sincerely,

cc: Rosalinda Lopez, Program Administrator, Medical Review Division, TWCC

In accordance with Commission Rule 102.4 (h), I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 24 th day of February 2003.
